



# PCAG

## Perchlorate Community Advisory Group



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### MEETING MINUTES

Thursday, August 31, 2006  
7:00-9:00 PM

#### I. Pledge of Allegiance

#### II. Administrative Items

- A. Introductions
- B. Attendee Sign-In Sheet - Chairperson **Sylvia Hamilton** encouraged people to write their name and contact information on the sign-in sheet if they have changes and/or would like to receive information from and about PCAG.
- C. Open Forum – **Craig O'Donnell** announced that the State Legislature passed AB 1602, authored by Assemblymember John Laird, and it is currently on the governor's desk waiting signature. This bill restores the possible financial feasibility for new city incorporations.
- D. Additional Agenda item - (IIIA) DHS's Proposed Maximum Contamination Level (MCL) for Perchlorate
- E. Approve August 4<sup>th</sup>, 2006 Meeting Minutes - Approved as written.

#### III. Presentations/Discussions

- A. **DHS's Proposed MCL for Perchlorate.** **Tracy Hemmeter** presented the recent Department of Health Services (DHS) drinking water standard proposal of 6ppb as the Maximum Contamination Level (MCL) for perchlorate. The State deems this level to not only be cost effective but highly beneficial and technically possible. Also, their monitoring proposal states that all public water systems with detections of perchlorate above 4ppb need to perform quarterly monitoring until perchlorate concentrations are below 4 ppb. This proposal sets the standard that, if adopted, will be enforced statewide for public water systems. This standard only applies to public systems, not privately owned wells or any water source with under 5 connections. CA DHS was under direct orders to establish an MCL for perchlorate and they have supported findings with technical analysis. A public hearing will be held on Nov 3<sup>rd</sup> and, if adopted, will institute the enforceable water standard for perchlorate statewide.
- B. **PCAG/Community Response to Olin's Llagas Subbasin Feasibility Study.** The next Regional Water Board (WB) Meeting is on Thursday, Sept. 7, 2006 at 3pm in Monterey at City Hall. **Sylvia** opened discussion.

**Sylvia** requested talking points from PCAG and the attendees to share comments and concerns regarding the Feasibility Study. She suggested that these comments be used to create a letter to be presented to the WB at the Sept. meeting.

**Sylvia** started the discussion by stating that throughout the study, the Public Health Goal (PHG) of 6ppb and the EPA reference dose (24.5ppb) were both referenced with regard to determination of background and long-term cleanup levels. She objected on the grounds that these numbers are not intended for that purpose and have nothing to do with those determinations. Also, Olin did not substantiate any of their proposals with appropriate background supporting data or analysis.

**Question:** If the background level is 4pbb, how can Olin state that 11pbb is acceptable? Note: Labs are able to test to below 1.4pbb.

**Answer: Hector Hernandez** stated that WB policy, which has been communicated to Olin multiple times, is that background is zero unless proven otherwise by the discharger, Olin in this case. As to other sources of perchlorate contamination in this case, such sources not only need to be identified by Olin, but also must be proven to have actually contributed to the existing problem. Whether you are talking about background or other sources, suppositions must be proven. Olin has not provided the documentation to prove their proposed background level or statements of other sources.

**Question:** RE UTC –UTC is a large complicated case that has been able to get a lot of work done; they've made the financial investment necessary to make progress. Why hasn't Olin made similar progress? UTC isn't even in the groundwater basin.

**Answer:** The UTC case has been ongoing for decades, so it does make sense that they're ahead of Olin in making progress. The determination of financial feasibility has nothing to do with the discharger's ability to pay. That is determined from a comparison of data on how the cost relates to the restoration of beneficial uses.

**Sylvia** - Question to group: Am I hearing from you that part of our response should be that the Feasibility Study does not provide adequate documentation to establish the background level, other possible sources or long-term cleanup levels?

**Response** - Yes! Bottom line is that the study does not address the requests from the Regional Board.

**Question:** Olin is proposing that dilution is the solution to pollution cleanup approach. In 50 years, the plume hasn't yet diluted out. What is the timeframe for the dilution solution?

**Response:** For the entire plume to get to zero, about 400 years. Dilution should be part of solution only after the identified 'action' alternatives have been identified and implemented. The dilution option is only for the final cleanup stages.

**Sylvia** asked the group for additional comments.

**Question:** Olin wants to rely on imported water to do clean-up. This water comes from the Santa Clara Valley Water District (District). Has the District been told, asked, or given Olin assurances that they will provide and pay for whatever is needed? Who pays for this – Morgan Hill, San Martin, Gilroy water users?

**Answer (Tracy):** No, Olin has not gotten the District's input or agreement on using imported water and groundwater recharge as the cleanup solution. There are issues with the reliability of the imported water supplies. The District manages its water supplies and groundwater recharge program to benefit well water users, who are the rate payers. Olin shouldn't rely on the District's recharge program remaining status quo, because changes may be necessary given hydrology and other issues.

**Comment:** The amount of water that is being used for recharge is inadequate for clean-up purposes.

**Comment:** Olin is proposing, in their No Further Action (NFA) and Monitored Attenuation (MA) alternatives, that recharge will clean-up the aquifer in 20 years. This is a concern because:

- It is not acceptable for Olin to base their long-term cleanup plan on recharge waters from an agency over which they have no control.
- Water Users 'pay' for these recharge waters! It is not acceptable for Olin to expect well owners to pay to cleanup what they discharged.
- Also, how can NFA and/or MA alternatives take 'less time' to cleanup the groundwater than pump & treat? "NO ACTION" takes longer for cleanup than "ACTION"? We do not think so!

**Comment:** Regarding "zones" (1,2,3 4), there are affected wells lying outside of these zones and they should not be excluded from the long-term cleanup plan. Also, all zones should have the same cleanup level, not a different level for Zone 1 than for Zones 2-4. Also, there are concentration variations within the different zones. Sylvia supports cleanup to the same level for all affected wells and, unless proven otherwise, Olin is the only source.

**Comment:** The contamination should be treated as one plume, with one cleanup plan and one schedule; the process shouldn't be piecemealed.

**Comment:** The Northeast flow area needs to be studied as well.

**Comment:** The Northeast flow area was left out and all aspects of Ag were also left out. PCAG has supported inclusion of the Northeast flow area. We also have stated that Ag wells should be included in any cleanup plan for key reasons such as: these high volume wells would hasten cleanup; not including Ag wells could be detrimental to the local economy, and Ag wells obviously are one of the beneficial uses of the groundwater -- plus another pathway for human consumption.

**Comment:** All beneficial uses of water need to be cleaned up and Olin has yet to propose any cleanup activities for ag wells. Also, they didn't include agricultural well

production in the estimates of basin water use, even though ag is about 50% of the water use. This affects calculations of cleanup time and cost.

**Comment:** Ion exchange wellhead treatment needs to be more forthcoming; Olin seems to be dragging their feet on domestic wells and should be working on ag wells, too. The report submitted was lacking in that it did not address the items that were requested by the WB. This report was a “slap in the face” – do they think we are stupid? Olin has done some remarkable things but they shoot themselves in the foot on items that have no financial benefit to them. The community would like Olin to comply with what they know is their responsibility. Olin seems to be delaying, as a way of saving money.

**Comment:** Not only are there things that are not documented, but things are misrepresented as well. Municipal wells, as well as Area 2, can pull in water from the site; therefore other areas could pull in water from Olin’s site (such as NE Flow).

**Question:** Are there any repercussions or penalties that the WB can impose on Olin for not meeting the requirements in the Cleanup and Abatement Order for the Feasibility Study?

**Answer:** The WB can respond to Olin stating that the requirements were not met and establish a new due date. The Board can request that they update their Feasibility Study with data that substantiates the claims they have made in their initial report.

**Question:** Could the WB accept the report and set the Cleanup Level now?

**Answer:** Yes.

*Call to action:* No further delay. We need to let Olin know that they need to act, not drag out this process. Currently Olin is proposing to depend on the District’s groundwater recharge to clean-up their plume, with the plan to monitor for about 20 years until concentrations get below 6 pbb. This approach isn’t supported with proper analyses, nor was Olin’s analysis for what active cleanup would entail adequate.

**Comment:** They (Olin) can spend \$500K on trial, why can’t they put some of this money into fast tracking the clean-up?

**Sylvia** offered to prepare a PCAG letter to give the Water Board. She also will prepare, if requested, talking points for anyone who plans to attend and speak at the meeting. Also, if some cannot attend the meeting but would like to send a letter, please provide Sylvia with your letter and she will give to the WB.

**Comment:** We need to address the fact that this study does not meet the Water Board’s requirements, as stated in the Cleanup and Abatement Order. The objective was to provide an analysis of alternatives for long-term, basin-wide groundwater cleanup to remediate perchlorate-impacted groundwater that has originated from Olin. This objective wasn’t met.

**Comment:** Goals and objectives were not met even though I believe that they have the expertise and the data to provide a viable document. I question the reason for not providing a study that addresses what MACTEC & Olin know needs to be included. Is this just a 'delay tactic'? How disappointing that would be.

- C. **Olin's Progress Report #48** (Tracy) - So far, 16 Ion Exchange Systems have been processed; 14 have been installed on private wells; 1 in progress and 1 still needs access agreement. This number does not include the San Martin water companies' wells. Progress on ion exchange installation hasn't changed since at least April. They talk about the plume migration control assessment program – They are going to do some additional work, but it's not clear what is due and when. The plume migration assessment report concluded no additional work is needed in Areas II, III, and IV. It isn't clear what is proposed for Area 1. Migration control is supposed to be an interim measure while they finish characterization, so incomplete characterization shouldn't be an excuse for not doing migration control.

D. **Regional Board Update** (Hector)

1. Replacement Water – Olin terminated bottled water 459 wells over 4 or 5 phases. Out of those 459 terminations, RWQCB determined that 40 of those terminations did not meet the requirements based on lack of supporting data.

Olin resampled the 40 wells. 31 of the 40 showed that termination was reasonable based on new data. 5 wells exceeded 6 pbb, so bottled water will be reinstated. Olin and WB staff have different interpretations for the requirements for the remaining 4 wells.

WB is trying to get clarification on what exactly the monitoring requirements will be to determine the actions that will be taken.

**Question** - There is a 1.14% inaccuracy on simple data. How do we trust the technical data provided by Olin. Also, there doesn't seem to be any repercussions for non-compliance. Why can't we hire someone to do the clean-up and then bill them (Olin)?

**Answer:** The data for the 40 wells had QC/QA had errors that did support re-monitoring the data but that does not mean that the data was inaccurate. The WB took the conservative approach to make sure that the data was rechecked.

**Question:** Why are we going with 3-4 quarters instead of 5-6 (quarters) to monitor since this is California and seasons can vary? Due to changes in the length of seasons this could potentially make sampling inaccurate.

**Answer:** The State Water Board in Sacramento decided the conditions for termination, not the Regional Water Board in San Luis Obispo. The Regional Water Board has to implement the State Water Board's requirements.

**Comment:** The unlimited access/unconditional access in Olin's access agreement is an issue for affected residents. They would like to correct the language in the access agreement to include the following revisions: Keep the area limited to the well area, hours between 8-5 M-F, and be given a schedule for monitoring. MACTEC said they will not provide a schedule.

**Comment:** Two issues:  
Regarding the Ion Exchange System – US Filter will not talk to you without Olin's blessing. There is suspicion (on commenter part) that they (US Filter and Olin) are working on a patient.

Sampling techniques are still not standardized: MACTEC is not collecting data by specifications required by the Board. They are not sending lab technicians that seem sufficiently trained. The techs who come are asking what the procedures are. They are doing split sampling incorrectly and the Chain of Custody is not being handled properly.

**Comment:** Method of collection is the most frequent reason given for not signing the access agreement. We need to educate community on the acceptable method.

**Comment:** Where do we want to apply the pressure to see what area gets cleaned up first? Long term goal is to push to get perchlorate out of the groundwater not putting in back in the ground [by using water from untreated wells that infiltrates back to the subsurface].

**Question:** Why can't we force Olin to clean-up the domestic wells?

**Answer:** The WB can not tell Olin how to meet the objective, only what the objective is. They can require replacement drinking water and then respond to Olin's plan. The State Water Board accepted Olin's petition to cease bottled water to anyone whose well was 6ppb or below. The State Water Board did not put restrictions on what the Regional Water Board can require for monitoring and long term cleanup plans.

IV. **Next Meeting – Friday, October 6<sup>th</sup>, 2pm-4pm**

V. **Adjournment: Adjourned at 9:05**